

2001 No. 86

ANIMALS

ANIMAL HEALTH

**The Specified Risk Material Amendment (No. 2) (Scotland)
Regulations 2001**

Made 8th March 2001

Laid before the Scottish Parliament 9th March 2001

Coming into force 1st April 2001

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Specified Risk Material Amendment (No. 2) (Scotland) Regulations 2001 and come into force on 1st April 2001.

(2) These Regulations extend to Scotland only.

Amendment of the Specified Risk Material Regulations 1997

2.—(1) The Specified Risk Material Regulations 1997(b) are amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (4) of regulation 24 (approved rendering plants), for the words “Without prejudice to the storage requirements of regulation 28 below,” there shall be substituted the words “Subject to paragraph (4A) below, and without prejudice to the storage requirements of regulation 28 below,”.

(3) After paragraph (4) of regulation 24 there shall be inserted the following paragraphs:—

“(4A) The operator of an approved rendering plant may keep, handle, store or render specified risk material at the plant together with other material at the plant provided that—

- (a) all of that material is kept, handled, stored and rendered at the plant in accordance with the requirements of these Regulations applying to specified risk material; and
- (b) the operator keeps a record for a period of not less than two years of the exact quantity of the specified risk material and the other material together with which the specified risk material is kept, handled, stored and rendered.

(4B) For the purposes of these Regulations, references to specified risk material shall include references to any—

(a) 1972 c.68; section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The functions conferred on a Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) S.I. 1997/2965, amended by 1997/3062, 1998/2405 (itself amended by 1998/2431), 1999/539, and S.S.I. 2000/62, 345 and 2001/3.

- (a) specified risk material kept, handled, stored or rendered together with other material; and
 - (b) any other material together with which the specified risk material is kept, handled, stored or rendered.”.
- (4) After paragraph (9) of regulation 24 there shall be inserted the following paragraph:–
- “(9A) An operator of an approved rendering plant shall ensure that no specified risk material–
- (a) is consigned from the plant for disposal by burial; or
 - (b) is disposed of by burial,
- unless it has been processed at the plant in accordance with method 4 described in Part II of Schedule 1 to these Regulations.”.

St Andrew’s House,
Edinburgh
8th March 2001

ROSS FINNIE
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations which extend to Scotland only, amend the Specified Risk Material Regulations 1997 (“the principal Regulations”). The Regulations make provision for two changes to the processing requirements at approved rendering plants in Scotland under regulation 24 of the principal Regulations.

The first change is to allow mixing of specified risk material with other material at approved rendering plants providing all the material is kept, stored, handled and rendered as specified risk material. The operator must record the respective weights of any specified risk material kept, stored, handled and rendered with other material and keep such records for a period of two years. The change is related to the requirements of paragraph 3(b)(ii) of Annex I to Commission Decision 2000/418/EC (O.J. No. L 158, 30.6.00, p.76).

The second change gives effect to articles 3.1 and 7(b) of, and paragraph 3(b)(ii) of Annex I to, Commission Decision 2000/418/EC regulating the use of material presenting risks as regards transmissible spongiform encephalopathies and amending Decision 94/474/EC. Specified risk material which is to be buried at licensed landfill sites must first have been processed at an approved rendering plant in accordance with method 4 prescribed in Part II of Schedule 1 to the principal Regulations.

A Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from SERAD, Livestock Animal Health and Welfare Branch, Room 358d, Pentland House, 47 Robb's Loan, Edinburgh EH14 1TY.

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